



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/551,464

10/03/2005

Katharina Keller

00366.000206.

4439

5514

7590

04/28/2009

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

MCMILLAN, JESSICA L

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,464	Applicant(s) KELLER, KATHARINA	
	Examiner JESSICA L. MCMILLAN	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 9, 11, 14, 15 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plank et al. (US 7,001,057 B2).

Regarding claim 1, Plank et al. disclose a light influencing element for directing the light issued from a light source into a predetermined angular range, wherein the light influencing element has a plurality of rib-like raster elements, which have reflecting side walls and are arranged in a regular structure, but are silent about raster elements having a maximum height of 5mm. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the raster elements of Plank et al. have a maximum height of 5mm, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). One would be motivated to do so because making the height of the raster elements of Plank et al. a maximum of 5mm would yield a desired illumination once light is reflected from the raster elements.

Regarding claim 2, Plank et al. further disclose the light influencing element according to claim 1, wherein the raster elements are held together via a side frame (see figure 5).

Regarding claim 9, Plank et al. further disclose raster elements made of transparent material and the side walls and the end surfaces of the raster elements away from the light source are provided with a reflecting layer.

Regarding claim 11, Plank et al. disclose the light influencing element according to claim 1, but are silent about the raster elements being made of PMMA. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the rasters from PMMA, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416. One would be motivated to do so because making the rasters of PMMA would allow the emitting light to be emitted in a desired direction to illuminate a desired area.

Regarding claim 14, Plank et al. further disclose raster elements that are linearly formed and arranged parallel neighboring one another (see figure 5).

Regarding claim 15, Plank et al. further disclose raster elements that are linearly formed and arranged in a crossing structure (see figure 5).

Regarding claim 24, Plank et al. further disclose a luminaire having a light source (14, 16; fig. 6) and a light influencing element.

Regarding claim 25, Plank et al. discloses a light source that is two dimensional (see figure 6; 14, 16).

Regarding claim 26, Plank et al. further disclose comprising an illuminating base plate (see figure 4).

Regarding claim 27, Plank et al. further disclose individual light source arranged with regard to the light influencing element that they emit light substantially into the free spaces between the raster elements (see figures 5 and 6).

Claims 3-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plank et al. (US 7,001,057 B2) in view of Ellens et al. (US 2003/0026096 A1).

Regarding claim 3 and 6-8, Okada discloses the light influencing element according to claim 1 but is silent about comprising a transparent base plate. Ellens et al. disclose an LED-Based planar light source that comprises a transparent base plate (6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a transparent base plate in the element of Okada as taught by Ellens et al. in order to achieve a desired illumination from the device.

Regarding claim 4, Plank et al. disclose a light influencing element for directing the light issued from a light source into a predetermined angular range, wherein the light influencing element has a plurality of rib-like raster elements, which have reflecting side walls and are arranged in a regular structure but are silent about comprising a transparent base plate. Ellens et al. disclose an LED-Based planar light source that comprises a transparent base plate (6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a transparent base plate in the element of Okada as taught by Ellens et al. in order to achieve a desired illumination from the device.

Claims 10 and 28 and rejected under 35 U.S.C. 103(a) as being unpatentable over Plank et al. (US 7,001,057 B2) in view of Targetti (US 7,090,379 B2).

Art Unit: 2875

Regarding claim 10, Plank et al. disclose the light influencing element according claim 1, but are silent about the raster element being injection molded. Targetti (US 7,090,379 B2) discloses an anti-dazzle raster element that is formed of a plastic material using injection molding (see abstract of 7,090,379 B2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the raster of Plank et al. using injection molding as taught by Targetti in order to make the raster resistant and rigid to prevent damage.

Regarding claim 28, Plank et al disclose a raster arrangement having a plurality of raster elements arranged neighbouring one another, having reflecting side walls for effecting an anti-dazzling effect of the light emitted from a light source, but are silent about the raster elements being produced by solid material injection molding. Targetti (US 7,090,379 B2) discloses an anti-dazzle raster element that is formed of a plastic material using injection molding (see abstract of 7,090,379 B2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the raster of Plank et al. using injection molding as taught by Targetti in order to make the raster resistant and rigid to prevent damage.

Response to Arguments

Applicant's arguments with respect to claims 1-4 and 6-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. MCMILLAN whose telephone number is (571) 272-5510. The examiner can normally be reached on 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sandra L. O'Shea/
Supervisory Patent Examiner, Art
Unit 2875

JLM
April 23, 2009